


Notice of Allowability	Application No.	Applicant(s)	
	10/006,934	PSALTIS ET AL.	
	Examiner	Art Unit	
Fayez G. Assaf	2872		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the phone interview with Applicant which occurred on 7/15/2004.
2. ☒ The allowed claim(s) is/are 1-4 and 6-24.
3. ☒ The drawings filed on 02 August 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|---|

Art Unit: 2872

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. J.D. Harriman (Reg. No. 31,967) on 7/15/2004.

Claim 1 has been amended in order to overcome the prior art rejection mailed 7/13/2004. Claim 1, now, incorporates the allowable subject matter of claim 5.

1. (currently amended) A multi-channel tunable filter comprising:
a three-dimensional filter material comprising:
a first portion with one or more recorded grating; [and]
a second portion without gratings; and
an optical read-head configured to move in a hitless manner
between said gratings;

wherein each of said gratings is configured to reflect a given wavelength of a light wave and wherein each of said gratings covers a vertical portion of said first portion of said three-dimensional filter material.

Art Unit: 2872

Claim 5 has been canceled.

Claim 6, 9 and 11 have amended in order to provide proper dependency to the claims.

Claim 6, line 1, the phrase "claim 5" has been changed to -
-claim 1--.

Claim 9, line 1, the phrase "claim 5" has been changed to -
-claim 1--.

Claim 11, line 1, the phrase "claim 5" has been changed to
--claim 1--.

Reasons of Allowance

Claims 1-4 and 6-24 are allowed.

Claims 1-4 and 6-14 are allowable over the prior art for at least the reason that the prior art fails to teach the optical read-head configured to move in a hitless manner between said gratings as set forth in the claimed combination.

Claims 15-24 are allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest moving the optical read-head in a second vertical direction with respect to the face of the three-dimensional material as set forth in the claimed combination.

Conclusion

Art Unit: 2872

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fayez G. Assaf whose telephone number is (571) 272-2307. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/006,934

Page 5

Art Unit: 2872

A handwritten signature in black ink, appearing to read "Fayez Assaf". The signature is fluid and cursive, with a long horizontal stroke at the end.

Fayez G. Assaf

Examiner

Art Unit 2872

FA

7/16/04